

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ALLEN JOYNER; and CECILIA JOYNER) No. 3-11-0285
v.)
BRIDGE TERMINAL TRANSPORT, INC.)
TENNESSEE COMMERCIAL WAREHOUSE, INC.,)
Intervening Plaintiff)

O R D E R

By contemporaneously entered order, the Court has approved and entered the parties' proposed initial case management order, with modifications addressed at the initial case management conference held on May 25, 2011. Those modifications and other matters addressed on May 25, 2011, are as follows:

1. The motion of Tennessee Commercial Warehouse, Inc. to intervene (Docket Entry No. 11) is GRANTED.
2. The amended motion of Tennessee Commercial Warehouse, Inc. to intervene (Docket Entry No. 12) is GRANTED.

The Clerk is directed to file and docket the complaint in intervention and the amended complaint in intervention (Docket Entry Nos. 11-1 and 12-1).

3. Because the parties anticipate little discovery of electronically stored information, they are exempted from the provisions of Administrative Order No. 174, entitled "Default Standard for Discovery of Electronically Stored Information ('E-Discovery')," entered July 9, 2007.

4. Any motion to amend the pleadings shall be filed by August 1, 2011.
5. Any discovery motion shall be filed by November 15, 2011.

6. The plaintiff has already made a settlement demand and the defendant intends to respond to the demand.

By November 28, 2011, the parties shall file a joint mediation report, indicating whether they have participated in mediation, and, if not, the potential for settlement, and whether they want to participate in ADR, and, if so, when and what type of ADR.

7. Any dispositive motion shall be filed by December 12, 2011. Any response shall be filed within 28 days of the filing of the motion or by January 9, 2012, if the motion is filed on December 12, 2011. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by January 23, 2012, if the response is filed on January 9, 2012.

Memoranda in support of or in opposition to any dispositive motion shall not exceed 20 pages.

There shall be no stay of discovery before the November 15, 2011, deadline for completion of fact discovery or the March 16, 2012, deadline for completion of expert discovery even if a dispositive motion is filed prior thereto.

Counsel for the parties advised that they intended to consent to proceed before the Magistrate Judge. Therefore, contingent upon the parties' filing a notice of consent to proceed and reassignment of this case, a jury trial is tentatively scheduled to begin on **Tuesday, May 1, 2012, at 9:00 a.m.**, in Courtroom 764, U.S. Courthouse, 801 Broadway, Nashville, TN. The parties anticipate that the trial will last two (2) days.

The parties are directed to contact Ms. Jeanne Cox, Courtroom Deputy, by no later than 12:00 noon on Friday, April 27, 2012, if this case has settled. Failure to provide such notification in the event the parties have settled the case may result in assessment of costs against the parties and/or their attorneys, including but not limited to the costs of summoning the jurors.

The pretrial conference is scheduled on **Tuesday, April 24, 2012, at 1:00 p.m.**, in Courtroom 764, U.S. Courthouse.

By March 26, 2012, counsel shall advise opposing counsel of those portions of any depositions to be read to the jury or those portions of video depositions to be viewed by the jury, in accord with Local Rule 32.01(b) and Rule 26(a)(3)(A)(ii) of the Federal Rules of Civil Procedure, and shall serve a list of the expected witnesses and exhibits in accord with Rule 26(a)(3)(A)(i) and (iii) of the Federal Rules of Civil Procedure.

By April 6, 2012, the parties shall file any motions in limine, any Daubert motions and/or motions relating to expert testimony,¹ any evidentiary objections to deposition testimony, in accord with Local Rules 32.01(b) and 39.01(d)(1) and Rule 26(a)(3)(B), and any objections to proposed exhibits in accord with Rule 26(a)(3)(B).

Any responses to such motions in limine, any responses to any Daubert motions and/or motions relating to expert testimony, and any responses to objections to deposition testimony and proposed exhibits shall be filed by April 17, 2012.

By April 17, 2012, the parties shall also:

1. Submit a proposed joint pretrial order;²
2. Exchange their final lists of witnesses and exhibits;
3. File their respective final witness and exhibit lists;
4. File a listing of all agreed stipulations; and
5. File proposed jury instructions, any special interrogatories, and any special verdict forms.

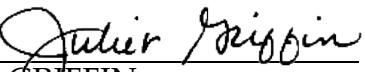
¹ The parties represented that it was unlikely that they would use experts, other than treating physicians, and defendant's counsel represented that he would not seek an IME.

² The pretrial order shall contain (1) a recitation that the pleadings are amended to conform to the pretrial order and that the pretrial order supplants the pleadings; (2) a short summary of the plaintiffs' and intervening plaintiff's theory (no more than one page each); (3) a short summary of the defendant's theory (no more than one page); (4) the issues to be submitted to the Court and the jury; (5) any anticipated evidentiary issues; and (6) a statement that the parties have complied with the provisions of this order.

A deadline for filing pretrial briefs will be established at the pretrial conference, if appropriate.

The parties shall premark all exhibits and comply with Local Rule 39.01(c)(4).

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge